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Upon information and belief, no mention of this proceeding has been made over the radio station to which it pertains. Certainly, the Respondant, who long ago tired of listening to its programming, has heard of none. Upon information and belief, no mention of this proceeding has been made on any other radio station whose broadcasts are received in Berlin, New Hampshire; or North Conway, for that matter. Upon information and belief, no mention of this proceeding has been made in any newspaper that is read in either Berlin or North Conway, New Hampshire, or in any other publication so read.

The Notice in question, upon information and belief, is directed to the public at large, and not merely to lawyers who practice before the Commission, and radio station owners and employees. Upon information and belief, the notice invites comments from any concerned individual or firm, and not merely from such parties. Were it not for the most curious of accidents, this proceeding would not have ever come to the Respondant's attention, let alone come to his attention in time to permit him to respond to it within the time period supposedly prescribed by this Notice.

It is therefore, a wonder how anyone within the present service area of the City of Berlin, to which the Petitioner's channel is currently assigned, might be expected to have any knowledge of this proceeding. Likewise, a wonder how any individual in North Conway might be expected to have any such knowledge. If these proceedings are therefore to have any credibility whatsoever, then the tardiness of such comments is to be excused.

Now to the merits.

II. The Respondant stands by his statement that the Petitioner's fm station assigned to Berlin, and transmitting from the summit of Mount Washington, is nothing more than a conduit for WOKQ, the Petitioner's Dover, New Hampshire fm station. The Petitioner challenges this general comment by saying that first, it is non-verifiable, and second, that it is not true, citing certain alleged examples of programing local to Berlin.

These remarks represent an amusing contradiction. But leaving that aside, the Respondant would further reply to this challenge by stating that there is only one way for the Commission to settle an issue of this nature, and that is for it to monitor the broadcasts of the station in question, or better yet, to listen to tapes of old broadcasts, selected at random by the Commission's staff. The Respondant would encourage it to do so. He is confident that such evidence would justify the conclusions that he has asked the Commission to reach in this matter. Indeed, it will find that the station regularly identifies itself as WOKQ.

Mayor Richard Bosa, incidentally, was defeated in his recent bid for re-election, and will be out of office in about thirty days. Apparently, the Petitioner's "reporters" have yet to catch up with that fact. Also, the Respondant would observe that the "Mount Washington Valley Head Start" program, so-called in the Petitioner's reply, and the "Mount Washington Valley Economic Council", and the "Mount Washington Valley Chamber of Commerce", and the "New England Ice Racing Association", have nothing to do with Berlin, New Hampshire.

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These inconsistencies and errors in the Petitioner's presentation should in themselves fully warrant refusal of its request for change of its assigned location. Indeed, they beg the following larger question: If the Petitioner has been so dutiful in serving the present area to which its fm station is assigned, e.g., Berlin, and if it is so dedicated to that service, then why is it seeking to complete the formal abandonment of that area ??

Obviously, the Petitioner has no answer to give to this question that will reflect favorably upon its petition. And as for North Conway, to which it says it wishes to move, well, one hour's worth of listening to WOKQ rebroadcast on WZPK should convince the Commission that the Petitioner has no greater intention of delivering localized programming to that "Census Designated Place" than it has of addressing the needs and interests of the citizens of this. Rather, the fact is, that the Petition is intent on using the exceptional and highly-touted broadcast radius of WZPK to make more money through advertising; and in order to do that, it is intent on regionalizing its programming to the same extent.

As previously pointed out, Conway already has two fm stations, and one am, and if this request is allowed, will have a third, leaving Berlin with none. The distance between the center of North Conway and the center of Conway is about two miles. The Petitioner, to repeat, also owns another fm station of regional character which broadcasts from the top of Mount Washington: WHOM. If the Commission's regulations regarding channel locations mean anything at all, then this request for change should be refused.

And lest there be any further questions raised by the Petitioner as to the Respondant's motives, reliability, or integrity, he would conclude by stating that he has made these comments on his own behalf, in good faith, and for no reward, compensation, or purpose, other than to aid the Commission in arriving at a proper determination with respect to the matter at hand and to see that accomplished; and further, that all matters of fact to which he has referred are true and correct to the best of his knowledge, information, and belief.

Respectfully submitted,



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December 14, 1997.